

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on March 4, 2003, in Conference Room "F" of the Troy City Hall.

1. ROLL CALL

Present

Dennis A. Kramer
Lawrence Littman
Robert Schultz
Walter Storrs
Mark J. Vleck
David T. Waller

Absent

Gary Chamberlain
Cindy Pennington
Wayne Wright

Also Present

Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution

Moved by Waller

Seconded by Schultz

RESOLVED, that Mr. Chamberlain, Ms. Pennington and Mr. Wright be excused from attendance at this meeting.

Yeas

All present (6)

Absent

Chamberlain
Pennington
Wright

MOTION CARRIED

2. PUBLIC COMMENT

Chairman Littman announced that the Planning Department has placed two "Public Comment" sections on the agenda; one to open the floor for comments on items that are not on the agenda and one at the end of the meeting for the public to comment on items that are on the agenda.

Phil Ode of 4508 Whisper Way, Troy, was present to address amateur radio antennas. Mr. Ode, President of Hazel Park Amateur Radio Club, said there are approximately 60 club members who are residents of Troy. Mr. Ode said a club member who is a relation to the Mayor has communicated that the Mayor sees a need for higher antennas and also believes the City should allow antennas to be erected without any

extra hassle (i.e., similar to putting up a fence or flag pole) and with no requirements to go before the BZA or any special expenses.

With respect to the need for effective communications, Mr. Ode cited the State is putting up a 500-foot tower; and the County is putting up a 400-foot tower. Mr. Ode noted that the majority of ham radio operators within this area of the state have 75-foot towers, a height he would like to see the City approve.

Chairman Littman questioned if the 400 and 500-foot towers are being used for the same communications as a radio ham operator.

Mr. Ode responded that the same general frequencies are used, and noted that he can pick up police calls on his radios that have those bands as long as he is within range of the towers.

Chairman Littman then questioned why there is a need for 500-foot towers.

Mr. Ode responded the towers are needed to communicate over the distances. He explained that the height frequencies on which they are generally working (800, 400, or 150 megahertz) are within line of sight.

Chairman Littman asked if the 500-foot towers are dealing with different situations than normal ham radio operators.

Mr. Ode answered yes and no. He said that amateur radio operators would use the same frequency in the event of needed communications within the City. Other frequencies would be used, for example, to talk to Lansing where one would have the ability to talk greater distances on other bands and frequencies. Mr. Ode explained that ham radio operators would be going shorter distances than tower users.

Mr. Ode provided the following facts on amateur radios. During the Gulf War, amateur radios were the only communications in and out of Kuwait. The State of California passed a law allowing antenna heights to 75 feet throughout the state. The State of New York, after the 9-1-1 tragedy, is pushing for a law to 95 feet. In Washington, D. C., a bill is being proposed to make the height at 70 feet throughout the United States. Washington, D. C. is also looking at overriding land covenants and deed restrictions. Mr. Ode said there are a number of sponsors in support of overriding land covenants and deed restrictions and the prospect looks fairly good at this point, but noted it takes several years to get something like this through. He noted that one was passed in 1999 with respect to satellite dish antennas. Mr. Ode suggested that the Commission also look at the FCC and its restrictions of power levels and communication distances of citizens band radio. He noted the limit for CB antennas is 20 feet and that restricts the talking distance.

Mr. Ode announced that in June, a practice called "Field Day" will be held throughout the United States. The American Radio Relay League, an organization comprising of approximately three million ham radio operators, sponsors "Field Day". Mr. Ode

explained that the purpose of "Field Day" is to set up emergency transmitting antennas using emergency power sources and local radios. Then transmit as many communications that passes information of specific nature as possible, and have a contest to see how many people with whom you can make contact. Again, Mr. Ode encouraged the Commission to view the videotape of the Hazel Park Amateur Radio Club that was provided to the City Attorney's office. The tape addresses "Field Day" and community services provided by ham radio operators. Mr. Ode said that typically Hazel Park club members will run approximately 1,500 to 2,000 contacts within a 24-hour period of passing valid information. Mr. Ode cited they have worked with the County on signal emergency testing and had radio operators doing communications for the City and were monitored by the police and fire departments. He noted that both departments were satisfied with the club's capabilities.

Mr. Ode stated that amateur ham radios are not only a hobby, but operators are also responsible to supply emergency communications and other amenities for communities. He said that last year the club supplied communications for the March of Dimes Walk in Troy, and further noted that the club came to the aid of a woman who apparently experienced a heart attack by calling EMS.

Mr. Ode said the club members consist of doctors, engineers, lawyers, and members of the FCC. The club's intent is to become an effective unit for the benefit of everybody.

Mr. Ode said he was told that court cases involving antenna heights of 65 feet or under can easily be defended in today's climate. He said it's becoming more common for the court system to side with amateur radio operators, noting that Sterling Heights just lost a court case.

Mr. Storrs asked what the City of Sterling Heights allows now that they have lost a court case.

Mr. Ode responded that he believes the City of Sterling Heights has not changed its laws, noting that their laws have not been challenged since the case was lost.

Mr. Storrs said he applauds everything the club is doing and their capabilities, and agreed that a lot of the Gulf War soldiers maintained contact with their homes by ham radios. Mr. Storrs questions how the City can come to a reasonable resolution for the resident in a neighborhood who wants to erect a 75-foot antenna and still give consideration to abutting neighbors who are in opposition.

Mr. Ode concluded that he has previously expressed his reasons for this request and noted that an antenna does not appear big when the height is increased. He cited one architectural point of view is that aesthetically an antenna should be three times the height of a house. Mr. Ode said that the City has a law that is unspecific and he hopes everyone can come to an agreement for a workable solution. Mr. Ode said that he is most willing to give the Commission, as a whole or individually, any information they may need.

Chairman Littman commented that the Commission and many residents would welcome more comments on this matter at the Public Hearing.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio said he was present to listen to the Commission's discussion regarding Sterling Corporate Center PUD.

3. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Discussion of Walk-about

Mr. Waller said it was very interesting to view the property from the offices of Doeren Mayhew and noted his appreciation to the host. He stated the property has an interesting flare shape to it that is clearly not rectangular; the road heading to Magna has somewhat of a tilt to the northeast and the down ramp to I-75 has a curl that affects the dimension of the property. Mr. Waller said the applicant is making significant progress on a project that appears to be a favorable one for the City, especially with the potential to add landscaping for the barren curl of I-75 on the northwest quadrant. Mr. Waller hopes that the progress continues and questioned the status of the project at this time.

Mr. Savidant reported that the drawing before the Commission is the latest rendition of the proposed Sterling Corporate Center PUD. Mr. Savidant said that the Planning Department is awaiting comments from various City departments to which the plan has been distributed for review. Mr. Savidant reported that he and Mr. Miller have met with Burton/Katzman representatives and their engineers to discuss some issues with the layout, noting that a lot of the issues have been addressed in the rendition before the Commission tonight. Mr. Savidant stated that discussion on the project has been ongoing with the petitioner and various representatives.

Chairman Littman commented that the plan shows no access to Crooks Road from the proposed development and indicated that he hopes a traffic study will address having access onto and off of Crooks.

Mr. Kramer asked to be enlightened of a conversation during the site visit that he was unable to hear. It related to the elevations and sight lines relative to the parking structure and I-75. Additionally, Mr. Kramer asked for similar comments with respect to the sight lines from the closest residential district to the northwest.

Mr. Savidant, in response to the first part of Mr. Kramer's questions, stated that from I-75 going south, the elevation is approximately 709 feet and the elevation from the top of the parking structure is 736.5 feet. Mr. Savidant said the top of the structure is proposed to be 27.5 feet higher than I-75 (from pavement to the top of the roof).

Mr. DiMaggio, in response to the second part of Mr. Kramer's questions, said that there are no topographical drawings going that far northwest and at this time, he is unable to answer the question. Mr. DiMaggio said he would provide this information to the Commission at a later date.

Mr. Waller applauded the stair-step parking structure because it breaks up the massiveness of the parking structure.

Mr. Schultz questioned if the road surface is the same for both northbound and southbound I-75.

Mr. DiMaggio noted that the deck parking would not be visible from either the northbound or southbound elevation.

Mr. Vleck asked if any revised documentation has been received from the applicant with consideration to how the proposed project qualifies for a PUD development.

Mr. Savidant responded that the Planning Department has received revised documentation based on the ongoing negotiations.

Ms. Lancaster reminded the Commission to pass a resolution to excuse the Commissioners who were not present at the 6:30 p.m. site visit, and further requested that the record reflect that Mayor Matt Pryor, Councilwoman Robin Beltramini, and Frank Borski (host from Doeren Mayhew) were present at the site visit. Ms. Lancaster suggested that a letter be forwarded on behalf of the Planning Commission to Mr. Borski for his hospitality in offering his office as a meeting place for the site visit.

Resolution

Moved by Waller

Seconded by Schultz

RESOLVED, that Mr. Chamberlain, Ms. Pennington and Mr. Wright be excused from the 6:30 p.m. site visit meeting.

Yeas

All present (6)

Absent

Chamberlain
Pennington
Wright

MOTION CARRIED

Mr. DiMaggio reported that the traffic study has been submitted to the City, and noted that the traffic pattern does include Crooks and Wilshire.

PLANNING AND DEVELOPMENT REPORT (item added to agenda during meeting)Council Action Items

Mr. Savidant reported on Council actions taken at their March 3, 2003 Regular Meeting.

*Freund Site Condominium Preliminary Site Review, east side of Adams, south of Square Lake, Section 7 – R-1A – **Approved***

*American Planning Association (APA) National Conference in Denver, CO – March 29 – April 2, 2003 – **Approved to send Dave Waller***

*Rezoning Request Z-#686, Proposed Gas Station, located on the northwest corner of Wattles and Dequindre Roads, Section 13, R-1C to H-S – **Denied***

*Award Bid for Skate Park Construction – **Tabled for two weeks***

Planning Commission Identification Badges

Mr. Savidant announced that a tentative date has been arranged with the Police Department for the Commission to meet prior to their March 25, 2003 Special/Study Meeting to get identification badges for the Commissioners. Specific details will be provided at a later date.

4. SITE CONDOMINIUM LEGAL OPINION

Ms. Lancaster presented a report addressed to the City Council in response to their questions relative to the proposed Freund Site Condominium project. Ms. Lancaster stated that the memorandum clarifies the City's stance on its current method of approval for site condominiums and thought it would be a helpful reference to the Commission.

A short discussion followed.

5. UNIFORMITY OF P.U.D. ANALYSIS

Mr. Savidant reported that the door has opened for PUD applications since the requirement of ten acres of property has been removed from the Zoning Ordinance. He said it now appears that it is not necessary to work on infill projects or text language because the so-called "infill projects" qualify under PUD's. Mr. Savidant said that the City Manager has prepared a memorandum incorporating aspects to create a uniformity of analysis for PUD's and is requesting input from the Commission.

Mr. Savidant said the intent is to adopt the PUD uniformity of analysis as an administrative memo and apply the criteria to each PUD application.

Chairman Littman requested that the word “calibrate” be replaced with a more appropriate and definitive word under item 5 of the City Manager’s memorandum.

Ms. Lancaster suggested that general intent provisions be incorporated into the PUD text language, as opposed to specific requirements and criteria; in this manner, it provides the developer with a better opportunity to be creative.

A short discussion followed. It was the consensus of the Commission to combine all related PUD documents (i.e., application, ordinance, checklist, City Manager memorandum) into one comprehensive, easily understood document to be used as a guideline for PUD applications.

Mr. Savidant said he would compose a memorandum to the City Manager incorporating all the Commission’s suggestions. At the time that a comprehensive document is drafted, Mr. Savidant will provide the Commission with the draft language along with the original ordinance, PUD application, and the City Manager’s memorandum so all documents can be reviewed inclusively.

6. PLANNING COMMISSION BY-LAWS

Ms. Lancaster presented proposed revisions to the By-Laws and Rules of Procedure of the Planning Commission. She stated that adoption of By-Laws and Rules of Procedure are an effective way of insuring orderly meetings with consistent policies. Ms. Lancaster reported that she has included in the By-Laws and Rules of Procedure a number of procedures that have developed and become consistent in the Planning Commission meetings. She noted inclusion of specific items that had not previously been included, such as limiting the time a petitioner or member of the public is allowed to speak or providing for site location meetings. Ms. Lancaster said that most revisions are meant to clarify the previous By-Laws and Rules of Procedure and do not change the content of the provision.

A short discussion was held on the following By-Laws:

Article II, Officers and Their Duties, Section 4.

Article IV, Meetings, Section 4 and Section 6 (E).

Article VI, Planning Commission Actions, C.

Article VII, Hearings, Section 1, Section 2, Section 5 (A) (C) (D).

It was clarified that no action can be taken on agenda items at Study Meetings, noting that Mr. Miller now advertises study meetings as “Special/Study Meetings” where items can be addressed and acted upon.

Mr. Waller suggested revisions that would correlate to the enabling legislation of the State.

Mr. Savidant noted that the Municipal Planning Act allows some commissions to make recommendations on capital expenditures.

It was the consensus of the Commission to change the By-Laws to read that the BZA Representative and the Alternate BZA Representative are next in line to chair a meeting in the absence of both the Chairperson and Vice-Chairperson.

Further, the Commission agreed to incorporate that Robert Rules of Order is the basic structure to which all meetings would be conducted.

Mr. Storrs suggested revising Article VI, Planning Commission Actions, C, to read: The Planning Commission shall not place conditions on a *rezoning recommendation to the City Council*.

Ms. Lancaster said that she would look into a clarification of the wording under Article IV, Meetings, Section 6 (E) with respect to a specific date.

A brief discussion was held on budget funds to cover attendance at conferences, education and training.

Ms. Lancaster said she would draft an amended version of the revised By-Laws and Rules of Procedure to be placed on the agenda for adoption at a regular or special meeting.

7. ORDINANCE REVISION DISCUSSION – Site Plan Approval Language (ZOTA #199)

Mr. Savidant gave a report on the site plan approval ordinance text language. He stated that the Planning Department added an intent statement that describes the general terms of site plan approval and why it is necessary. The Planning Department also arrived at a set of standards to determine when a site plan review is required. Mr. Savidant cited the proposed text includes: firm language regarding when a preliminary site plan application expires; a requirement for a landscape plan; how to determine when a revised site plan goes back to the Planning Commission; the requirement for a topographic survey (presently called an architectural survey), giving the Planning Director the right to waive the topographic survey; and expanding the list of information that is required on a site plan.

Mr. Savidant noted that language relating to giving the Planning Commission authority for final site plan approval is not included, and noted the language could be added if it is the Commission's preference. Mr. Savidant said there are several reasons that the Planning Department believes that final site plan approval should remain at the administrative level.

A discussion followed with respect to transferring authority to the Planning Commission for final site plan approval.

It was the consensus of the Commission to accept in theory the text language as presented tonight, and to reserve the right to final site plan approval. Further, that the Commission is in agreement, on an interim basis, to receiving updated reports from the Planning Department on final site plan approvals conducted administratively.

Mr. Kramer suggested that language be added to the effect that City staff is responsible to provide the Planning Commission at the time of site plan approval and the presentation given by the Planning Department of all departmental input and recommendations.

Mr. Savidant stated he would incorporate the minor revisions discussed tonight and provide an updated draft to the Commission.

Chairman Littman requested the item be placed on the March 25, 2003 Special/Study Meeting for final review and announced that a tentative Public Hearing date would be early May.

8. ORDINANCE REVISION DISCUSSION – Dumpster and Grease Containers Potential Ordinance Amendment

Mr. Waller mentioned that he has spoken to the City Manager with respect to licensing dumpster locations, and noted that the City Manager had an interest in the concept of licensing and was receptive to receiving additional information on licensing regulations.

Mr. Savidant suggested that the description of trash receptacle or “dumpster” be changed to read: “...including containers used by restaurants to store grease, oil, waste and food by-products.”

Discussion followed on the placement of dumpsters that abut residential, the screening of dumpsters and the heights of dumpsters.

There was specific discussion on the vertical dumpster located at the Alibi Restaurant. The Planning Department would be available to discuss this matter further with Mr. Vleck.

A lengthy discussion was held on dumpsters currently not screened that cause blight throughout the City. It was the consensus of the Commission to consider the matter from a code enforcement aspect and look into the enforcement of cleaning up dumpster locations for the health, safety and welfare of the City, and also to investigate the licensing of dumpsters.

Mr. Savidant said that he would make the appropriate changes to the trash receptacle area screening language as discussed tonight and provide the Commission with an updated draft for review. Mr. Storrs encouraged Mr. Savidant to use his resourcefulness in drafting the language.

9. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Chairman Littman requested that a copy of the tasks and time line be provided to the Commission at their next meeting.

Mr. Savidant stated that the tasks are inclusive in the February 25 draft minutes that will be distributed in the next packet.

Mr. Vleck said that from a philosophical standpoint, he is torn with the direction that PUD's are going. He said that a PUD can be a great tool allowing a variety of choices for a developer. In the same respect, he feels that the PUD rules are completely changing. Mr. Vleck said that there are a tremendous amount of existing developers and businesses whose options are limited at this point.

Mr. Schultz said he agrees with Mr. Vleck. He suggested that care be given so PUD's do not put a competitive advantage over existing businesses. Mr. Schultz announced that he would not be in attendance at the March 11, 2003 Regular Meeting and asked the Planning Department to hold delivery on his meeting packet.

Mr. Waller said he thinks there has to be a change to the Master Land Use Plan for the proposed Rochester Commons PUD. Mr. Waller said the Master Land Use Plan currently calls for the area to be low-rise office, and noted that a PUD is required to match the underlying Master Plan use. Mr. Waller said the PUD ordinance states that action on the amendment to the Master Land Use Plan should occur at or before the time of preliminary approval. It is Mr. Waller's opinion that the City should begin the process to change the Master Land Use Plan.

Mr. Kramer said that the most interesting outcome from tonight's site visit, in his opinion, was the size and scope of the civic center site. He said: "If you look out of the window today at the civic center site, and you use as a reference point the size of the existing City Hall, the size of the tennis bubble, and the size of the existing Marriott Hotel, there's one heck of a lot of land yet. It's hard to believe that some creative, first year architectural student could not double the size of the library, add a reasonable performing arts center and still have one heck of a beautiful public space left."

Mr. Savidant addressed Mr. Waller's' comments on amending the Master Land Use Plan for the proposed Rochester Commons PUD. He noted that Robin Beltramini was at the public informational meeting and she raised the exact point. Ms. Beltramini applauded the proposed project but expressed her concern whether it met the PUD criteria. Mr. Savidant reported that the Planning Department has requested a written opinion from the Planning Consultant to that respect and the consultant's interpretation is Rochester Commons PUD does meet the PUD criteria. Mr. Savidant confirmed that eventually the Master Land Use

Plan should be amended to indicate areas that are appropriate for PUD designations, but noted that timing could be a big issue at this stage. He said amendments to the Master Land Use Plan would take months because of the changes to the Municipal Planning Act and because the process must go before both the Planning Commission and City Council. Mr. Savidant noted that the Master Land Use Plan is a conceptual land use policy drawing and he would anticipate that any future PUD designations would likely be conceptual in nature.

Mr. Waller asked the Assistant City Attorney to provide the Commission with a bullet-point summary of the rules to amending the Master Land Use Plan.

Mr. Storrs said that the antenna matter is really bothering him. He said that maybe the Commission should just say to put up whatever type of antenna you can contain within your fall zone.

Chairman Littman said that Mr. Borski of Doeren Mayhew said the Commission is welcome to view the City from his office at any time.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:15 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director